

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 13, 2000
SAN FRANCISCO, CALIFORNIA**

S091943 The People, Plaintiff and Respondent

2nd Dist. v.

B129923 Myron E. Howard, Defendant and Appellant

Div. 2 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Acosta*, S089120, *People v. Graves*, S089533, and *People v. Cornelius*, S068743 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S091951 Barbara Kerrigan et al., Plaintiffs and Appellants

2nd Dist. v.

B135086 Thrifty Drug, Defendant and Respondent

Div. 6 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Ortega v. Kmart Corp.*, S091888 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S092183 The People, Plaintiff and Respondent
6th Dist. v.
H019633 Alejandro Farell, Defendant and Appellant
 Petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S092697 John Hess, Plaintiff and Appellant
2nd Dist. v.
B125395 Ford Motor Company, Defendant and Appellant
Div. 7 Petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S086057 In re Evaristo Vasquez
 on
 Habeas Corpus

The Director of the Department Corrections is ordered to show cause, before the Court of Appeal, Second Appellate District, Division One, when the matter is placed on calendar, why appellate counsel was not ineffective for failing to argue that petitioner improperly was convicted and punished for both counts 1 and 2, and why therefore the remittitur should not be recalled, the appeal reinstated, and new counsel appointed. (*See In re Smith* (1970) 3 Cal.3d 192, 204.)

The return is to be filed on or before January 12, 2001.

George, C.J.
Mosk, J.
Baxter, J.
Werdegar, J.
Chin, J.

3rd Dist. Redding Rancheria, Petitioner
C036723 v.
S092373 Shasta County Superior Court, Respondent
 Suzanne Hansard, Real Party in Interest
 Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its order denying mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S092374 Brent Howard Wooten et al., Petitioners
4th Dist. v.
E028089 San Bernardino County Superior Court, Respondent
Div. 2 The People, Real Party in Interest

Petition for review GRANTED. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its order denying prohibition and to issue an order directing respondent to show cause why the relief sought in the petition should not be granted.

George, C.J.
Mosk, J.
Kennard, J.
Werdegar, J.
Chin, J.

6th Dist. Matthew Pavlovich, Petitioner
H021961 v.
S092566 Santa Clara County Superior Court, Respondent
DVD Copy Control Association, Inc., Real Party in Interest
Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegarr, J.
Chin, J.
Brown, J.

S034725 In re Andre Burton
 on
 Habeas Corpus

In the matter of Andre Burton on Habeas Corpus, S034725 (related to People v. Andre Burton, Los Angeles County Superior Court case number A026664), good cause appearing, it is ordered that the Honorable Gregory Alarcon, Judge of the Los Angeles County Superior Court, is appointed to sit as referee in this proceeding, and shall take evidence, make findings of fact and conduct all hearings necessary to resolve the following questions:

1. Did petitioner give attorney Ron Slick or his investigator the names of witnesses he believed should be interviewed and tell Slick that those witnesses could support a guilt phase defense or defenses? If so, when did petitioner do so, who are those witnesses, and what theory or theories of defense did petitioner tell Slick those witnesses would support? In particular, did petitioner tell Slick that he wanted Slick to present an alibi defense and/or defend on the ground that the eyewitness identification was mistaken or could be undermined by other eyewitnesses?

2. Did petitioner tell Slick that petitioner's purported confession had been falsified. If so, when did he do so, and did Slick have any reason to believe that the officer or officers who reportedly took the confession were not credible?

3. If petitioner gave Slick the names of potential guilt phase defense witnesses, did Slick or his investigator interview those witnesses, when did they do so, what information did they obtain from the witnesses, and of what potential prosecution rebuttal or impeachment evidence was Slick aware when he developed his trial strategy? Did Slick have reason to believe that those witnesses would not be credible?

4. Did Slick keep petitioner informed of Slick's trial plans and/or discuss trial strategy with petitioner and, in particular, did he tell petitioner that Slick did not intend to call witnesses or put on a guilt phase defense because Slick believed that a guilt phase defense likely would be unsuccessful and would make the penalty phase defense less credible? If so, when and in what circumstances did Slick advise petitioner of this? If not, did Slick discuss his planned guilt phase defense with petitioner, when did he do so, and what did he tell petitioner?

5. If Slick discussed a planned guilt phase strategy of presenting

no defense with petitioner, did petitioner then or thereafter object (other than in open court during or before trial) and tell Slick that, notwithstanding Slick's conclusion about presenting a guilt phase defense, petitioner wanted a guilt phase defense presented? If so, when did petitioner do so and what was Slick's response?

6. Did Slick have reason to believe that petitioner's in court requests to represent himself were made for the purpose of delaying trial, rather than dissatisfaction with Slick's trial strategy?

7. Was Slick aware of potential witnesses Elizabeth Black, Ora Trimble, Gloria Burton, Michael Stewart, Susan Camacho and Zarina Khwaja, and, as to each, if so did Slick have reason to believe the testimony of each would be incredible or insufficiently probative to justify presenting them at the guilt phase?

8. Did petitioner tell or make clear to Slick's investigator that he wanted to put on a guilt phase defense? If so, when did he do so and did the investigator relay that information to Slick?

9. Would the potential witnesses, if any, identified by petitioner, have been credible, would they have enabled Slick to put on a credible defense, and did Slick have reason to believe that any would commit perjury if they testified as suggested by petitioner?

10. In particular:

a. Did detective William Collette tell Slick that Elizabeth Black told him that she did not know petitioner's whereabouts at the time and on the day of the charged homicide?

b. Did Black tell Collette that she did not know petitioner's whereabouts at the time and on the day of the charged homicide?

c. Did Collette tell Slick that Ora Trimble told him that petitioner had asked her to provide him with a false alibi for the charged homicide?

d. Did Ora Trimble tell Collette that petitioner had asked her to provide him with a false alibi for the charged homicide?

11. In sum, did Slick override a clearly expressed desire of petitioner to put on a guilt phase defense, and, if so, would that defense have been credible. (People v. Frierson (1985) 39 Cal.3d 803, 814-815.)

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and of the findings of fact made.

- S092848 Kern County Water Agency, Petitioner
Alameda County Water District, Petitioner
Metropolitan Water District of Southern California, Petitioner
v.
Court of Appeal, Third Appellate District, Respondent
Planning & Conservation League, Real Party in Interest
Petition for writ of certiorari and/or prohibition DENIED.
- S092950 Wheeler Ridge-Maricopa Water Storage
District, etc., et al., Petitioners
v.
Third District Court of Appeal, et al., Respondents
Planning and Conservation League, etc., et al.,
Real Parties in Interest
Petition for writ of certiorari and/or prohibition DENIED.
- S093090 Robert Peernock, Petitioner
v.
Clerk of the California Supreme Court, Respondent
People, Real Party in Interest
Petition for writ of mandate DENIED.
- S069718 In re Melvin Turner
on
Habeas Corpus
The petition for writ of habeas corpus filed April 23, 1998, is denied.
All claims, including all subclaims, are denied on the merits.
The following claims or subclaims are also denied as untimely (*In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750): Claims I(A, B (except re 1997 Ware Jones declaration), C, F-G), II (except re 1997 Dale Watson declaration), III, IV(A-E, F (except re 1997 Ware Jones declaration), G-I), V, VI, VII, VIII, IX, X(B-C, E, G-M, P-Q), XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XX, XXI(A-B), XXII, XXIII, XXIV.
The following claims or subclaims are also denied as repetitive, because they were raised in the prior habeas corpus petition (*In re*

Miller (1941) 17 Cal.2d 734, 735): Claim X(E, H).

The following claims or subclaims are also denied as successive, because they could have been raised in the prior habeas corpus petition but were not (*In re Robbins, supra*, 18 Cal.4th at p. 798; *In re Clark, supra*, 5 Cal.4th at pp. 767-768; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547): Claims I(A, B (except re 1997 Ware Jones declaration), F-G), II (except re 1997 Dale Watson declaration), IV(B-C, E, F (except re 1997 Ware Jones declaration), G-I), V, VI, VII, VIII, IX, X(B, G, I-J, M, P-Q), XII, XIII (except claim this court erred by denying access to personnel records on appeal), XIV, XV, XVI, XVII, XVIII, XX(B, D-H), XXI(A-B), XXII, XXIII, XXIV.

The following claims or subclaims are also denied as repetitive to the extent they were raised in the prior habeas corpus petition, and as successive to the extent they could have been raised in the prior habeas corpus petition but were not: Claims I(C), III, IV(A, D), X(C, K), XI, XX(A, C).

Except insofar as they allege ineffective assistance of trial counsel (see *In re Robbins, supra*, 18 Cal.4th at p. 814, fn. 34; *People v. Mendoza Tello* (1997) 15 Cal.4th 264, 267), the following claims or subclaims are also denied on grounds they could have been, but were not, raised on appeal (*In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759): Claims I(A), IV(C-E, H), VII(F), XI, XIII (except claim this court erred by denying access to personnel records on appeal), XV, XVII, XXI(B), XXII, XXIII, XXIV.

Except insofar as they allege ineffective assistance of trial counsel, to the extent the following claims or subclaims were raised and rejected on appeal, they are also denied on that ground (*In re Harris, supra*, 5 Cal.4th 813, 826-841; *In re Waltreus* (1965) 62 Cal.2d 218, 225), and to the extent they could have been, but were not, raised on appeal, they are also denied on that ground: Claims I(C), III, IV(A-B), V, VI, VII(B-E), VIII, IX, XII, XXI(A).

The following claim or subclaim is also denied on grounds that it asserts search and seizure issues not cognizable on habeas corpus (*In re Sterling* (1965) 63 Cal.2d 486, 487-489): Claim IV(D).

The following claim or subclaim is also denied as premature: Claim XXVII(B).

Insofar as any claim or subclaim asserts ineffective assistance of immediately preceding appellate and/or habeas corpus counsel, it is

denied solely on the merits.

The request for judicial notice is granted. (Petition for Writ of Habeas Corpus at p. 45.)

Mosk, J. and Brown, J. would deny solely on the merits.

Kennard, J., is of the opinion an order to show cause should issue as to Claim IV(E).

S092110 In re Demian O'Keefe
 On
 Habeas Corpus

Petition for writ of habeas corpus is DENIED. (*In re Harris* (1993) 5 Cal.4th 813, 824-826; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

1st Dist. City and County of San Francisco, Respondent
A078075 v.
Div. 2 Carolyn Daley, Appellant
S092573 And Companion Case
 Petition for review DENIED.

1st Dist. People, Appellant
A084310 v.
Div. 4 Charles Anderson Miller, Appellant
S092890 Petition for review DENIED.
 Mosk, J., is of the opinion the petition should be granted.

1st Dist. People, Respondent
A084601 v.
Div. 4 Anthony Thomas Cole, Appellant
S092838 Petition for review DENIED.

1st Dist. People, Respondent
A084742 v.
A084909 Manuel Nunez Martinez, Appellant
A085103 And Companion Cases
A085315 Petitions for review DENIED.
Div. 2
S091823

1st Dist. People, Respondent
A084794 v.
Div. 3 Fred S. Mott, Appellant
S092652 Petition for review DENIED.

1st Dist. People, Respondent
A085780 v.
Div. 5 Demian Trevor O'Keefe, Appellant
S092262 Petition for review DENIED.

1st Dist. H. Lee Evans, Appellant
A086147 v.
Div. 1 Reliance National Insurance Company, Respondent
S092828 Petition for review DENIED.

1st Dist. Redco, LLC, Appellant
A086241 v.
Div. 2 Gordan Mathless, Respondent
S091911 Petition for review DENIED.

1st Dist. Victoria King, et al., Appellants
A086251 v.
Div. 1 Alta Bates Medical Center, Respondent
S092647 Petition for review DENIED.

1st Dist. People, Respondent
A086536 v.
Div. 1 Michael Dixon, Appellant
S092646 Petition for review DENIED.

1st Dist. People, Appellant
A087476 v.
Div. 4 Reuben Johnson, Respondent
S093131 -----
People, Petitioner
v.
San Francisco County Superior Court, Respondent
Reuben Johnson, Real Party in Interest
Petition for review DENIED.

1st Dist. A087479 Div. 1 S092684	People, Respondent v. Jose Zuniga, Appellant Petition for review DENIED.
1st Dist. A087488 Div. 5 S092044	People, Respondent v. Alva Thomas Reeves, Appellant Petition for review DENIED.
1st Dist. A087677 Div. 1 S091992	People, Respondent v. Thomas D. Waiton, Appellant Petition for review DENIED.
1st Dist. A087805 Div. 2 S092572	California-Nevada Conference of the United Methodist Church et al., Respondents v. John Jones et al., Appellants Petition for review DENIED.
1st Dist. A087915 Div. 1 S092818	People, Respondent v. Donald Alvin Sherwood, Appellant Petition for review DENIED.
1st Dist. A088091 Div. 3 S092807	People, Respondent v. Paul George, Appellant Petition for review DENIED.
1st Dist. A088352 Div. 2 S091978	Denise Lynette Stevenson, Appellant v. County of Alameda et al., Respondents Petition for review DENIED.
1st Dist. A088399 Div. 4 S092597	People, Respondent v. Willie Lee Harris, Appellant Petition for review DENIED.

1st Dist. People, Respondent
A088432 v.
A091739 Carl Phillips, Appellant
Div. 4 Petition for review DENIED.
S092749

1st Dist. People, Respondent
A088564 v.
Div. 3 Robert Earl Johnson, Appellant
S092613 Petition for review DENIED.

1st Dist. Julianne Major, Respondent
A089450 v.
Div. 4 Tibor E. Major, Appellant
S092814 -----
Amanda Major, Respondent
v.
Tibor E. Major, Appellant
Petition for review DENIED.

1st Dist. People, Respondent
A089712 v.
Div. 5 Glen Jackson, Appellant
S092516 Petition for review DENIED.

1st Dist. Bureau for Private Postsecondary and Vocational Education et al.,
A089826 Respondents
Div. 1 v.
S092632 Columbia Pacific University et al., Appellants
Petition for review DENIED.

1st Dist. David Shore, Appellant
A092510 v.
Div. 1 Fenty Kaliman, Respondent
S092852 Petition for review DENIED.

1st Dist. Peter Vrablik, Petitioner
A092726 v.
Div. 5 Marin County Superior Court, Respondent
S093088 People, Real Party in Interest
Petition for review DENIED.

1st Dist. Sanford I. Gossman, Petitioner
A092762 v.
Div. 2 San Francisco County Superior Court, Respondent
S092798 Elizabeth Maynard, Real Party in Interest
 Petition for review DENIED.

1st Dist. General Refractories Company, Petitioner
A092814 v.
Div. 4 Alameda County Superior Court, Respondent
S092660 Herbert Barbour et al., Real Parties in Interest
 Petition for review DENIED.

1st Dist. James Wilson Calloway, Petitioner
A092850 v.
Div. 5 San Mateo County Superior Court, Respondent
S092794 People, Real Party in Interest
 Petition for review DENIED.

2nd Dist. John Hinz, Appellant
B120648 v.
Div. 7 University of Southern California et al., Respondents
S092483 Petition for review DENIED.

2nd Dist. People, Respondent
B121299 v.
Div. 3 Guillermo Sanchez et al., Appellants
S092723 Petitions for review DENIED.

2nd Dist. Lionel Simon, Respondent
B121917 v.
Div. 4 San Paolo U.S. Holding Company Incorporated, Appellant
S092092 Petition for review DENIED.

2nd Dist. People, Respondent
B124669 v.
Div. 3 Dante Lavelle Hector, Appellant
S091866 Petition for review DENIED.

2nd Dist. Burbank-Glendale-Pasadena Airport Authority, Respondent
B125401 v.
Div. 3 Robert R. Hensler, Appellant
S091738 Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. People, Respondent
B125574 v.
Div. 4 Gusberto Medina Cardenas, Appellant
S092577 Petition for review DENIED.

2nd Dist. Estate of Wolf, Deceased
B126543 -----
Div. 4 Robert S. Wolf, Respondent
S092621 v.
Sherwin F. Wolf, Appellant
Petition for review DENIED.

2nd Dist. People, Respondent
B126544 v.
Div. 3 Donna Kay Lee, Appellant
S091820 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B127162 v.
Div. 7 David Earl Babb, Appellant
S092546 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B127700 v.
Div. 3 Robert Earl Howell et al., Appellants
S092523 Petitions for review DENIED.

2nd Dist. Victor Cruz, Respondent
B128058 v.
Div. 7 Homebase, Appellant
S091945 Respondent's request for judicial notice granted.
Petition for review DENIED.

2nd Dist. People, Respondent
B128093 v.
Div. 6 Joe Garcia, Appellant
S092550 Petition for review DENIED.

2nd Dist. People, Respondent
B128099 v.
Div. 4 Pierre Lebon Hoffman, et al., Appellants
S091862 Petition for review DENIED.

2nd Dist. People, Respondent
B128192 v.
Div. 2 Ivan Morales, Appellant
S091808 Petition for review DENIED.

2nd Dist. People, Respondent
B128648 v.
Div. 3 Eric Lynn Thomas, Appellant
S092524 Petition for review DENIED.

2nd Dist. Essex Insurance Company, Respondent
B128725 v.
Div. 5 Five Star Dye House Inc., et al., Appellants
S092430 Petition for review DENIED.

2nd Dist. People, Respondent
B129356 v.
Div. 4 Maurice Williams, Appellant
S091920 Petition for review DENIED.

2nd Dist. Lydia Lopez-Ethnasios, Appellant
B129543 v.
Div. 5 Union Oil Company of California, Respondent
S092743 Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. Roland Holmes, Appellant
B129808 v.
Div. 3 Bill Jones, Respondent
S092498 Petition for review DENIED.

2nd Dist. People, Respondent
B130052 v.
Div. 7 Jerry Thomas, Appellant
S092539 Petition for review DENIED.

2nd Dist. People, Respondent
B130100 v.
Div. 4 Thomas Wayne Johnson, Appellant
S092023 Petition for review DENIED.

2nd Dist. People, Respondent
B130447 v.
Div. 3 Ronnie Vincent Solomon, Appellant
S092834 Petition for review DENIED.

2nd Dist. William Kelleher, Appellant
B130606 v.
Div. 5 Richard Allen, Respondent
S092672 Petition for review DENIED.

2nd Dist. Sherri Camps, Appellant
B130693 v.
Div. 1 Princess Cruises, Respondent
S092549 Petition for review DENIED.

2nd Dist. Yvonne Davis, Appellant
B130796 v.
Div. 4 Civil Service Commission of the County of Los Angeles,
S092804 Respondent
Petition for review DENIED.

2nd Dist. People, Respondent
B130984 v.
Div. 5 Brian Nelson Edwards, Appellant
S091986 Petition for review DENIED.

2nd Dist. People, Respondent
B131903 v.
Div. 7 Ruben Padilla, Appellant
S092729 Petition for review DENIED.

2nd Dist. B132271 Div. 3 S092445	People, Respondent v. Osie Danage, Appellant Petition for review DENIED.
2nd Dist. B132279 Div. 3 S092006	People, Respondent v. Christopher Moncado, Appellant Petition for review DENIED.
2nd Dist. B132389 Div. 6 S092675	People, Respondent v. Clyde L. Keith, Appellant Petition for review DENIED.
2nd Dist. B132553 Div. 3 S092067	People, Respondent v. Hugo Claxon Moye, Appellant Petition for review DENIED.
2nd Dist. B132818 Div. 3 S092267	People, Appellant v. Ricardo Ignacio Garcia, Respondent Petition for review DENIED.
2nd Dist. B132897 Div. 6 S092775	People, Respondent v. John Howard Hardacre, Appellant Petition for review DENIED.
2nd Dist. B132973 Div. 4 S092599	People, Respondent v. Maurice Caples, Appellant Petition for review DENIED.
2nd Dist. B132978 Div. 6 S092596	People, Respondent v. Jorge Corona, Appellant Petition for review DENIED.

2nd Dist. B132984 Div. 6 S092788	People, Respondent v. Danny Zizumbo, Appellant Petition for review DENIED.
2nd Dist. B133089 Div. 6 S092587	People, Respondent v. Joseph Andrew Batiste, Appellant Petition for review DENIED.
2nd Dist. B133668 Div. 6 S092781	People, Respondent v. Daniel Bonilla, Appellant Petition for review DENIED.
2nd Dist. B134019 Div. 4 S092767	People, Respondent v. James Fredrick Edwards, Appellant Petition for review DENIED.
2nd Dist. B134069 Div. 2 S091907	People, Respondent v. Tom Steele, Jr., Respondent Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted.
2nd Dist. B134126 Div. 1 S092012	People, Respondent v. Carmelo M. Lopez, Appellant Petition for review DENIED.
2nd Dist. B134216 Div. 4 S092681	People, Respondent v. Ricky Cruz Alvarez et al., Appellants Petitions for review DENIED.
2nd Dist. B134441 Div. 4 S092843	People, Appellant v. Moses Kim, Respondent Petition for review DENIED.

2nd Dist. GFI Commercial Mortgage L.P., Appellant
B134949 v.
Div. 5 Jagdish C. Amar, Respondent
S092659 Petition for review DENIED.

2nd Dist. Charles Alberg, Appellant
B134950 v.
Div. 1 Katz, Hoyt, Seigel & Kapor, Respondent
S092816 Petition for review DENIED.

2nd Dist. People, Respondent
B135199 v.
Div. 1 Jose Luis Granados, Appellant
S092821 Petition for review DENIED.

2nd Dist. People, Respondent
B135291 v.
Div. 6 Craig Anthony Stevenson, Appellant
S092698 Petition for review DENIED.

2nd Dist. People et al., Respondents
B135313 v.
Div. 5 Michael Robertson, Appellant
S092738 Petition for review DENIED.

2nd Dist. Ann Stuparich, Appellant
B135396 v.
Div. 4 Harbor Furniture Manufacturing Inc., Respondent
S092783 Petition for review DENIED.

2nd Dist. People, Respondent
B135416 v.
Div. 5 Ralph John McGhee, Appellant
S091946 Petition for review DENIED.

2nd Dist. People, Respondent
B135655 v.
Div. 3 Erik Tremayne Fleming, Appellant
S092677 Petition for review DENIED.

2nd Dist. People, Respondent
B135728 v.
Div. 1 Socorro Renteria, Appellant
S092766 Petition for review DENIED.

2nd Dist. Antoine Floyde, Appellant
B135800 v.
Div. 6 Jess Gonzales, Respondent
S093016 Petition for review DENIED.

2nd Dist. People, Respondent
B135824 v.
Div. 6 Louis Tamale, Appellant
S092198 Petition for review DENIED.

2nd Dist. In re Jose A., a Person Coming Under the Juvenile Court Law
B136017 -----
Div. 5 People, Respondent
S092665 v.
Jose A., Appellant
Petition for review DENIED.

2nd Dist. Stanley Pore, Appellant
B136203 v.
Div. 5 Truck Insurance Exchange, Respondent
S092638 Petition for review DENIED.

2nd Dist. People, Respondent
B136253 v.
Div. 1 Marjan Zelenika, Appellant
S092548 Petition for review DENIED.

2nd Dist. People, Respondent
B136627 v.
Div. 1 Rebecca Ashley Taylor, Appellant
S092678 Petition for review DENIED.

2nd Dist. George Timothy Marshall, Appellant
B137062 v.
Div. 7 Gibson, Dunn & Crutcher et al., Respondents
S092754 Petition for review DENIED.

2nd Dist. People, Respondent
B137212 v.
Div. 3 Duane Robert Earnshaw, Appellant
S092519 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B137436 v.
Div. 1 Kenneth W. Hughes, Appellant
S092896 Petition for review DENIED.

2nd Dist. In re Steven Vargas
B137582 on
Div. 3 Habeas Corpus
S092405 Petition for review DENIED.

2nd Dist. Susan Borun, Appellant
B137634 v.
Div. 7 Edgar Powell, et al., Respondents
S092768 Petition for review DENIED.

2nd Dist. Kenneth Noel Gullekson, Appellant
B137753 v.
Div. 5 City of Glendale, Respondent
S092129 Petition for review DENIED.

2nd Dist. McDermott, Will & Emery, Petitioner
B137829 v.
Div. 7 Los Angeles County Superior Court, Respondent
S092117 Donna Smith James, et al., Real Parties in Interest
Petition for review DENIED.
Werdegarr, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B137979 v.
Div. 1 Avalon Jackson, Appellant
S092281 Petition for review DENIED.

2nd Dist. B137996 Div. 1 S092576	People, Respondent v. Erik D. Jones, Appellant Petition for review DENIED.
2nd Dist. B138091 Div. 6 S092654	People, Respondent v. Raymond Anthony Mendez, Appellant Petition for review DENIED.
2nd Dist. B138179 Div. 6 S092855	People, Respondent v. Gregory Brown, Appellant Petition for review DENIED.
2nd Dist. B138537 Div. 2 S092046	Mary Thorpe, Appellant v. Long Beach Community College District, et al., Respondents Petition for review DENIED.
2nd Dist. B138673 Div. 7 S092403	In re Wally Patterson on Habeas Corpus Petition for review DENIED.
2nd Dist. B139082 Div. 5 S092777	In re Som Van L., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Som Van L., Appellant Petition for review DENIED.
2nd Dist. B139247 Div. 2 S092763	People, Respondent v. Cornel Ray Joshua, Appellant Petition for review DENIED.
2nd Dist. B139262 Div. 5 S092682	People, Respondent v. Juan Andonegui, Appellant Petition for review DENIED.

2nd Dist. B139414 Div. 3 S092779	People, Respondent v. Carlos Moreno Prado, Appellant Petition for review DENIED.
2nd Dist. B139484 Div. 2 S092710	In re Alejandro B., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Alejandro B., Appellant Petition for review DENIED.
2nd Dist. B139861 Div. 2 S092709	People, Respondent v. Rujben Guerrero, Appellant Petition for review DENIED.
2nd Dist. B140008 Div. 6 S092713	Kathy Michaelson, Appellant v. City of San Buenaventura, Respondent Petition for review DENIED.
2nd Dist. B140372 Div. 4 S092690	Franklin R. Knisley, Petitioner v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED.
2nd Dist. B140487 Div. 5 S092115	Donald L. Henry, Appellant v. EMC Mortgage, Respondent Petition for review DENIED.
2nd Dist. B140820 Div. 5 S092104	In re Joseph Hunt on Habeas Corpus Petition for review DENIED.
2nd Dist. B142455 Div. 2 S092605	In re Curtis Lee Johnson on Habeas Corpus Petition for review DENIED.

2nd Dist. County of Ventura, Petitioner
B143201 v.
Div. 6 Workers' Compensation Appeals Board
S092551 Margaret Harrell et al., Respondents
Petition for review DENIED.

2nd Dist. Gerald McCann, Petitioner
B143334 v.
Div. 3 Los Angeles County Superior Court, Respondent
S091852 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Alistar Insurance Company, Petitioner
B143562 v.
Div. 6 Workers' Compensation Appeals Board, et al., Respondents
S092751 Petition for review DENIED.

2nd Dist. Regents of the University of California, Petitioner
B143993 v.
Div. 2 Workers' Compensation Appeals Board and
S092579 Joanne Van Alstyneherdt et al., Respondents
Petition for review DENIED.

2nd Dist. In re Rodwick R. Johnson
B144488 on
Div. 4 Habeas Corpus
S092641 Petition for review DENIED.

2nd Dist. In the Matter of Santos Y., a Minor
B144822 -----
Div. 2 Department of Children and Family Services, Respondent
S093531 v.
Arturo & Lucila G., Appellants
Grand Portage Band of Chippewa Indians, Intervenor
Application for stay and petition for review DENIED.

2nd Dist. Ron Lee, Petitioner
B145001 v.
Div. 1 Los Angeles County Superior Court, Respondent
S092565 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. Roseane Leal Damazio, Petitioner
B145525 v.
Div. 4 Los Angeles County Superior Court, Respondent
S093496 Paulo Roberto Falcao, Real Party in Interest
 Application for stay and petition for review DENIED.

3rd Dist. Planning and Conservation League, et al., Appellants
C024576 v.
S092511 Department of Water Resources, et al., Respondents
 Petition for review DENIED.

3rd Dist. People, Respondent
C028901 v.
S092922 Chanh Kouiyoth, Appellant
 Petition for review DENIED.

3rd Dist. People, Appellant
C030140 v.
S092771 Travis Taylor, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C030256 v.
S092083 Larry Henry Becerra, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C030812 v.
S091916 April Lynne Grayson, et al., Appellants
 Petitions for review DENIED.

3rd Dist. People, Respondent
C031037 v.
S092893 Robert Dion Parks, Appellant
 Petition for review DENIED.

3rd Dist. People, Respondent
C031524 v.
S091892 Bobby Hill Ellington, Appellant
 Petition for review DENIED.

3rd Dist. C031601 S091837	People, Respondent v. Timothy Lloyd Vigil, Appellant Petition for review DENIED.
3rd Dist. C031696 S091970	People, Respondent v. Scotty Dwayne Hobbs, Appellant Petition for review DENIED.
3rd Dist. C031780 S092593	People, Respondent v. Terry James Mackey, Appellant Petition for review DENIED.
3rd Dist. C031903 S092553	People, Respondent v. Randolph Richard Zavala, et al., Appellants Petition for review DENIED.
3rd Dist. C032124 S091894	People, Respondent v. Shadeven Jason Harper, Appellant Petition for review DENIED.
3rd Dist. C033234 S092691	People, Respondent v. Joel Bridgeforth, Appellant Petition for review DENIED.
3rd Dist. C033484 S092657	People, Respondent v. Michael Joseph Bailey, Appellant Petition for review DENIED.
3rd Dist. C036798 S093054	Rescue Union School District, Petitioner v. El Dorado County Superior Court, Respondent Charles Stuart et al., Real Parties in Interest Application for stay and petition for review DENIED.

4th Dist. D031872 Div. 1 S092112	Huguette Pelletier, Appellant v. Agouron Pharmaceuticals Inc., Appellant Petition for review DENIED.
4th Dist. D032488 Div. 1 S092157	People, Respondent v. Steve Santos Robles, Jr., Appellant Petition for review DENIED. Brown, J., is of the opinion the petition should be granted.
4th Dist. D032925 Div. 1 S092103	People, Respondent v. Lorell Gilpen, Appellant Petition for review DENIED.
4th Dist. D033004 Div. 1 S092583	People, Respondent v. Andre J. Stephens, Appellant Petition for review DENIED.
4th Dist. D033079 Div. 1 S092800	TCR Services Inc., Appellant v. Eco Imaging et al., Respondents Petition for review DENIED.
4th Dist. D033183 Div. 1 S092642	People, Respondent v. Donald Wayne Reese, Appellant Petition for review DENIED.
4th Dist. D033213 Div. 1 S092679	People, Respondent v. Danny Ray Crawford, Appellant Petition for review DENIED.
4th Dist. D033224 Div. 1 S092369	People, Respondent v. Daniel Battiest, Appellant Petition for review DENIED.

4th Dist. People, Respondent
D033265 v.
Div. 1 Charles Gorman, Appellant
S092683 -----
In re Charles Gorman on Habeas Corpus
Petition for review DENIED.

4th Dist. People, Respondent
D033338 v.
Div. 1 James Leroy Stubblefield III, Appellant
S092735 Petition for review DENIED.

4th Dist. Bite Inc., Appellant
D033521 v.
Div. 1 First National Bank, Respondent
S092649 Petition for review DENIED.

4th Dist. People, Respondent
D033650 v.
Div. 1 Jose Carlos Lopez, Appellant
S092866 Petition for review DENIED.

4th Dist. The Cadle Company II, Appellant
D033796 v.
Div. 1 D. Neil Harvey, Respondent
S092545 Petition for review DENIED.

4th Dist. People, Respondent
D033971 v.
Div. 2 Arturo Chavez Ramirez, Appellant
S092787 Petition for review DENIED.

4th Dist. People, Respondent
D034081 v.
Div. 1 Wayne Mathews Jr., Appellant
S092891 Petition for review DENIED.

4th Dist. William R. Kipp, Appellant
D034397 v.
Div. 1 Della Wells, Respondent
S092562 Petition for review DENIED.

4th Dist. In re Thaniel M., a Person Coming Under the Juvenile Court Law
D034584 -----
Div. 1 People, Respondent
S092119 v.
Thaniel M., Appellant
Petition for review DENIED.

4th Dist. Marvin Douglas Hendrix, Appellant
D034603 v.
Div. 1 City of San Diego, Respondent
S092670 Juan Carlos Vargas, Real Party in Interest and Respondent
Petition for review DENIED.

4th Dist. Tri-Valley Construction Inc., Appellant
D034679 v.
Div. 1 Narven Enterprises, Respondent
S092669 Petition for review DENIED.

4th Dist. People, Respondent
D034872 v.
Div. 1 Michael Cefaratti, Appellant
S092495 Petition for review DENIED.

4th Dist. In re Kaytlyn K., a Person Coming Under the Juvenile Court Law
D035125 -----
Div. 1 Imperial County Department of Social Services, Respondent
S092618 v.
William K., Appellant
Petition for review DENIED.

4th Dist. People et al., Respondents
D035249 v.
Div. 1 Shirish Kothari, et al., Appellants
S092536 Petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

4th Dist. Qualcomm, Inc., Petitioner
D036148 v.
Div. 1 San Diego County Superior Court, Respondent
S092391 Thomas Sprague et al., Real Parties in Interest
Petition for review DENIED.

4th Dist. In re Michael P. Cefaratti
D036340 on
Div. 1 Habeas Corpus
S092499 Petition for review DENIED.

4th Dist. Monaco Coach Corporation, Petitioner
D036357 v.
Div. 1 San Diego County Superior Court, Respondent
S091952 James E. Hurley, Real Party in Interest
Petition for review DENIED.

4th Dist. Patricia A. Gregory, Petitioner
D036443 v.
Div. 1 San Diego County Superior Court, Respondent
S092844 Patrick K. Gregory, Real Party in Interest
Petition for review DENIED.

4th Dist. MRI Grand Terrace Incorporated and TRI National
E023296 Development Corporation, Respondents
Div. 2 v.
S092400 Chino Valley Bank, now known as
Citizens Business Bank, Appellant
And Related Cross-Appeal
Petition for review DENIED.

4th Dist. People, Respondent
E024326 v.
Div. 2 Darrell Lamont Smith, Appellant
S092674 Petition for review DENIED.

4th Dist. People, Respondent
E024899 v.
E026109 Antonio Calles, Appellant
Div. 2 Petition for review DENIED.
S092776

4th Dist. E025103 Div. 2 S092799	People, Respondent v. John Raymond Kubicsek, Appellant Petition for review DENIED.
4th Dist. E025211 Div. 2 S091810	People, Respondent v. Darrell Herman Pettus, Appellant Petition for review DENIED.
4th Dist. E025380 Div. 2 S092235	People, Respondent v. Joe S. Villareal, Appellant Petition for review DENIED.
4th Dist. E025621 Div. 2 S092168	People, Respondent v. Daniel Marcus Carter, et al., Appellants Petitions for review DENIED. Kennard, J., is of the opinion review should be granted.
4th Dist. E025633 Div. 2 S092624	People, Respondent v. Charles W. Elsenmann, Appellant Petition for review DENIED.
4th Dist. E025672 Div. 2 S092111	People, Respondent v. Larry James Barney, Appellant Petition for review DENIED.
4th Dist. E025764 Div. 2 S092785	People, Respondent v. Jose Manuel Perez, Appellant Petition for review DENIED.
4th Dist. E026260 Div. 2 S092913	People, Respondent v. Robert Lee Collins, Appellant Petition for review DENIED.

4th Dist. E026348 Div. 2 S092839	In re Peter F., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Peter F., Appellant Petition for review DENIED.
4th Dist. E026382 Div. 2 S092694	People, Respondent v. Terry Lee Tracy, Appellant Petition for review DENIED.
4th Dist. E026534 Div. 2 S092344	Victor Valley Transit Authority, Petitioner v. Workers' Compensation Appeals Board, and James Sophy et al., Respondents And Companion Case Petition for review DENIED. The request for an order directing depublication of the opinion is DENIED.
4th Dist. E026542 Div. 2 S092841	In re Deanna A., a Person Coming Under the Juvenile Court Law ----- Riverside County Department of Public Social Services, Respondent v. Ana G., Appellant Petition for review DENIED.
4th Dist. E026619 Div. 2 S092712	People, Respondent v. Albert Dwayne Pargo, Appellant Petition for review DENIED.
4th Dist. E027996 Div. 2 S092207	Grand Laboratories Incorporated, Petitioner v. San Bernardino County Superior Court, Respondent Que Fullmer, Real Party in Interest Petition for review DENIED.

4th Dist. In re Julio Alfonso Ruiz
E028107 on
Div. 2 Habeas Corpus
S092717 Petition for review DENIED.

4th Dist. GAB Business Services, Inc., Appellant
G021350 v.
Div. 3 Lindsey & Newsom Claim Services, Inc., et al., Appellants
S092196 Petition for review DENIED.

4th Dist. People, Respondent
G022334 v.
Div. 3 Ruben Ruiz Marquez et al., Appellants
S092521 Petitions for review DENIED.

4th Dist. People, Respondent
S023456 v.
Div. 3 Travis Scott Frederickson, et al., Appellants
S092383 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
G024173 v.
Div. 3 Lawrence Clay Lewis, Appellant
S092292 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
G024882 v.
Div. 3 Hratch B. Baliozian, Appellant
S092558 Petition for review DENIED.

4th Dist. People, Respondent
G024894 v.
Div. 3 Lorenzo Garcia Briones, Appellant
S092522 Petition for review DENIED.

4th Dist. Fernand Azera, Respondent
G025142 v.
Div. 3 Steven L. Cropper, Appellant
S092742 Petition for review DENIED.
The request for an order directing depublication of the opinion is
denied as moot.

4th Dist. People, Respondent
G025341 v.
Div. 3 Abel Meza Acosta, Appellant
S092655 Petition for review DENIED.

4th Dist. People, Respondent
G025555 v.
Div. 3 Christian Erin Shattles, Appellant
S092853 Petition for review DENIED.

4th Dist. Ronald S. Winters, Petitioner
G027938 v.
Div. 3 Workers' Compensation Appeals Board and
S092703 Orange Coast Chiropractic et al., Respondents
Petition for review DENIED.

5th Dist. People, Respondent
F028428 v.
S092737 Kenneth Arthur Wilson, Appellant
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

5th Dist. People, Respondent
F029181 v.
F031557 Jesse Gomez, Appellant
S091926 -----
In re Jesse Gomez on Habeas Corpus
Petition for review DENIED.

5th Dist. People, Respondent
F030312 v.
S092221 Jaime Leo Matheney, Appellant
Petition for review DENIED.

5th Dist. In re Stoney N., a Person Coming Under the Juvenile Court Law
F033297 -----
S092004 People, Respondent

v.
Stoney N., Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F033347 v.
S092879 George Daniel Lowery III, Appellant
Petition for review DENIED.

5th Dist. Donna Barela, Appellant
F033522 v.
S092635 Board of Trustees Selma Unified School District, Petitioner
Petition for review DENIED.

5th Dist. People, Respondent
F033607 v.
S092769 Reginald Edward Tescier, Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F033933 v.
S092150 Gerardo Rico, Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F034082 v.
S092644 Cameron Calhoon, Appellant
Petition for review DENIED.

5th Dist. In re Antonio C., a Person Coming Under the Juvenile Court Law
F034727 -----
S092840 People, Respondent
v.
Antonio C., Appellant
Petition for review DENIED.

6th Dist. H018721 S092298	People, Respondent v. Gilbert Frank Chavez, Appellant Petition for review DENIED.
6th Dist. H018814 S092595	People, Respondent v. Manuel Villanueva Salinas, et al., Appellants Petitions for review DENIED.
6th Dist. H018845 S092795	People, Respondent v. Robert Daniel Schutz, Appellant Petition for review DENIED.
6th Dist. H019227 S092887	People, Respondent v. Thomas Alexander Hill, Appellant Petition for review DENIED.
6th Dist. H019324 S091801	People, Respondent v. Kamani Eugene Hendricks, et al., Appellants Petitions for review DENIED. Kennard, J., did not participate.
6th Dist. H019395 S092071	People, Respondent v. Santiago James Chavez, Jr., Appellant Petition for review DENIED.
6th Dist. H019423 S092173	People, Respondent v. Roy Rodriguez, Appellant Petition for review DENIED.
6th Dist. H019624 S092611	People, Respondent v. Michael R. Rogers, Appellant Petition for review DENIED.

6th Dist. People, Respondent
H019709 v.
S092857 Angel Alfonso Diaz, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H019784 v.
S092629 Lindsay S. Johnston, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H019798 v.
S092211 Daniel Chairez, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H019851 v.
S092017 Marco Miller Read, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H019864 v.
S092580 Sabas Garcia, Jr., Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H020063 v.
S092552 Sean Michael Hollins, Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H020143 v.
S092582 Johnny Holmes, Appellant
Petition for review DENIED.

6th Dist. In re Steven M. et al.,
H020679 Persons Coming Under the Juvenile Court Law
S092805 -----
Santa Clara County Dept.of Family & Children's Svcs., Respondent
v.
Tracy M., Appellant
Petition for review DENIED.

6th Dist. H020706 S092628	In re Briana F., a Person Coming Under the Juvenile Court Law ----- Santa Clara County Dept. of Family & Children's Svcs., Respondent v. Randall F., Appellant Petition for review DENIED.
6th Dist. H020831 S092917	In re Fabrizio L., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Fabrizio L., Appellant Petition for review DENIED.
6th Dist. H020982 S092822	In re Ashley T., a Person Coming Under the Juvenile Court Law ----- Monterey County Dept. of Social Services, Respondent v. Lusanne T., Appellant Petition for review DENIED.
6th Dist. H022147 S092630	Yvonne Lattimore, Petitioner v. Monterey County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
6th Dist. H022233 S093180	Varian Medical Systems, Inc. Respondents v. Michaelangelo Delfino, Appellant Petition for review DENIED. Application for stay denied.
1st Dist. A082424 Div. 3 S089891	Henrietta Mitchell, Appellant v. Sequoia Ventures, Respondent The request for an order directing publication of the opinion in the above-entitled appeal is DENIED.

1st Dist. William C. Luks, a Minor, etc., Respondent
A089925 v.
Div. 3 George Luks, et al., Appellants
S092340 The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.

2nd Dist. Tom Courtney & Associates, Incorporated, Respondent
B130429 v.
Div. 6 Stonepine Investors, Appellant
S088928 The requests for an order directing publication of the opinion in
the above entitled appeal are DENIED.

2nd Dist. Joyce M. Ashley, Appellant
B132029 v.
Div. 7 Homes Savings of America, Respondent
S092297 The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.

2nd Dist. Stuart J. Marylander, Petitioner
B138779 v.
Div. 4 Los Angeles County Superior Court, Respondent
S090246 Office of Statewide Health Planning and Development et al.,
Real Parties in Interest
The request for an order directing depublication of the opinion in
the above-entitled appeal is DENIED.
Werdegar, J., did not participate.

3rd Dist. Chico Unified School District, Respondent
C033204 v.
S092502 Gordon R. Dise, Appellant
The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.

4th Dist. The People ex rel. Bill Lockyer, Petitioner
D035689 v.
Div. 1 San Diego County Superior Court, Respondent
S092602 Paul Pfingst, as District Attorney, etc., Real Party in Interest
Peter J. Longanbach, Real Party in Interest
The request for an order directing depublication of the opinion in
the above-entitled appeal is DENIED.

4th Dist. Jim Estevanovich, et al., Respondents
E018016 v.
Div. 2 The City of Riverside, et al., Appellants
S091005 The request for an order directing publication of the opinion in
the above-entitled appeal is DENIED.

4th Dist. Geoff C. Jacobson, Respondent
E026312 v.
Div. 2 Steven Gourley, as Director, etc., Appellant
S092469 The request for an order directing depublication of the opinion in
the above-entitled appeal is DENIED.

2nd Dist. People, Respondent
B135457 v.
Div. 3 Ronnie Eugene Bacon, Appellant
The time for granting review on the court's own motion is hereby
extended to and including January 18, 2001. (Cal. Rules of Court,
rule 28(a)(1).)

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

B133998/S092689 In re Daniel M. Williams on Habeas Corpus – February 1, 2001.

B144452/S092685 In re Ameer Fountano on Habeas Corpus – February 1, 2001.

B144842/S092650 In re Christopher Torres on Habeas Corpus – January 31, 2001.

E025774/S092309 Ricardo Leyva v. Jim Nielsen – January 25, 2001.

E027962/S092676 In re Thomas J. Lee Burke on Habeas Corpus – February 1, 2001.

F034654/S092756 In re Frederick L. Smith on Habeas Corpus – February 2, 2001.

S033436 People, Respondent

v.

Albert Lewis and Anthony Cedric Oliver, Appellants

On application of appellant Anthony Cedric Oliver and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including February 9, 2001.

S033975 People, Respondent

v.

Michael Stephen Combs, Appellant

The application of appellant for an extension of time to file appellant's opening brief is denied.

S045696 People, Respondent

v.

Randy Eugene Garcia, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including February 9, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

No further extensions of time will be granted.

S046117 People, Respondent

v.

Ernest Dwayne Jones, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including February 5, 2001.

S046176 People, Respondent

v.

Glen Cornwell, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including January 25, 2001.

S048440 People, Respondent

v.

Christopher Charles Lightsey, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including February 9, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S052288 People, Respondent

v.

Bernard Lee Hamilton, Appellant

Appellant's application for extension of time to request correction of the record on appeal is DENIED.

S053228 People, Respondent

V.

Andre Stephen Alexander, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including February 9, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S057156 People, Respondent

v.

Charles Edward Case, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including February 9, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S091888 Richard M. Ortega, Respondent

v.

Kmart Corporation, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on

the merits is extended to and including January 16, 2001.

S020803 People, Respondent

v.

Richard Bert Stewart, Appellant

Appellant's motion for leave to file under seal the "Ex Parte Memorandum in Support of Motion for Temporary Release of Exhibits" is granted. In accordance with the spirit of newly enacted Rule 243.1 of the California Rules of Court, which will take effect on January 1, 2001, we find that there exists an overriding interest in not disclosing confidential defense strategy that overcomes the right of public access to the document that supports sealing the memorandum, that a substantial probability exists that the overriding interest will be prejudiced if the memorandum is not sealed, that the proposed sealing is narrowly tailored, and that no less restrictive means exist to achieve the overriding interest.

Appellant's "Motion for Temporary Release of Evidence" is denied.

S014755 People, Respondent

v.

Donald Ray Millwee, Appellant

Good cause appearing, the separate applications of appointed lead and associate counsel for permission to withdraw as attorneys of record for condemned prisoner Donald Ray Millwee, filed November 22, 2000, are granted.

The order appointing Michael H. Shapiro as counsel of record for condemned prisoner Donald Ray Millwee, filed February 6, 1992, is hereby vacated, and the order appointing Susan A. Kerans (now Susan Kerans Marr) as associate counsel of record for condemned prisoner Donald Ray Millwee, filed December 21, 1992, is hereby vacated.

The Federal Public Defender for the Central District of California is hereby appointed attorney of record for condemned prisoner Donald Ray Millwee. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

Misc. Code of Judicial Ethics

2000-2 The court having considered proposed amendments to Canon 3E of the Code of Judicial Ethics, as recommended by an advisory committee chaired by Administrative Presiding Justice Charles S. Vogel of the Court of Appeal, Second Appellate District, and the public responses received following circulation of the proposed amendments for comment, hereby adopts amendments to Canon 3E. The amended Canon is attached hereto, and is effective immediately.

AMENDMENTS TO CANON 3E
(As amended December 13, 2000)

E. Disqualification.

(1) A judge shall disqualify himself or herself in any proceeding in which disqualification is required by law.

(2) In all trial court proceedings, a judge shall disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no actual basis for disqualification.

(3) An appellate justice shall disqualify himself or herself in any proceeding if for any reason: (i) the justice believes his or her recusal would further the interest of justice; or (ii) the justice substantially doubts his or her capacity to be impartial; or (iii) the circumstances are such that a reasonable person aware of the facts would doubt the justice's ability to be impartial. Disqualification is required in the following instances:

(a) The appellate justice has appeared or otherwise served as a lawyer in the pending matter, or has appeared or served as a lawyer in any other matter involving any of the same parties if that other matter related to the same contested issues of fact and law as the present matter.

(b) Within the last two years, (i) a party to the proceeding, or an officer, director or trustee thereof, either was a client of the justice when the justice was engaged in the private practice of law or was a client of a lawyer with whom the justice was associated in the private practice of law; or (ii) a lawyer in

the proceeding was associated with the justice in the private practice of law.

(c) The appellate justice represented a public officer or entity and personally advised or in any way represented such officer or entity concerning the factual or legal issues in the present proceeding in which the public officer or entity now appears.

(d) The appellate justice, or his or her spouse, or a minor child residing in the household, has a financial interest or is a fiduciary who has a financial interest in the proceeding, or is a director, advisor, or other active participant in the affairs of a party. A financial interest is defined as ownership of more than a 1 percent legal or equitable interest in a party, or a legal or equitable interest in a party of a fair market value exceeding one thousand five hundred dollars. Ownership in a mutual or common investment fund that holds securities does not itself constitute a financial interest; holding office in an educational, religious, charitable, fraternal or civic organization does not confer a financial interest in the organization's securities; and a proprietary interest of a policyholder in a mutual insurance company or mutual savings association or similar interest is not a financial interest unless the outcome of the proceeding could substantially affect the value of the interest. A justice shall make reasonable efforts to keep informed about his or her personal and fiduciary interests and those of his or her spouse and of minor children living in the household.

(e) The justice or his or her spouse, or a person within the third degree of relationship to either of them, or the spouse thereof, is a party or an officer, director or trustee of a party to the proceeding, or a lawyer or spouse of a lawyer in the proceeding is the spouse, former spouse, child, sibling, or parent of the justice or of the justice's spouse, or such a person is associated in the private practice of law with a lawyer in the proceeding.

(f) The justice (i) served as the judge before whom the proceeding was tried or heard in the lower court, (ii) has a personal knowledge of disputed evidentiary facts concerning the proceeding, or (iii) has a personal bias or prejudice concerning a party or a party's lawyer. The justice's spouse or a person within the third degree of relationship to the justice or his or her spouse, or the person's spouse, was a witness in the proceeding.

(g) A temporary or permanent physical impairment renders the judge unable properly to perceive the evidence or conduct the proceedings.

COMMENTARY

Canon 3(E)(1) sets forth the general duty to disqualify applicable to a judge of any court. Sources for determining when disqualification is appropriate may include the applicable provisions of the Code of Civil Procedure, other provisions of the Code of Judicial Ethics, the Code of Conduct for United States Judges, the American Bar Association's Model Code of Judicial Conduct, and related case law.

The introductory paragraph to Canon 3E(3) sets forth the general standards for recusal of an appellate justice. The term "appellate justice" includes justices of both the Courts of Appeal and the Supreme Court. Generally, the provisions concerning disqualification of an appellate justice are intended to assist justices in determining whether recusal is appropriate and to inform the public why recusal may occur.

[The second paragraph to the commentary remains the same.]

